MR. BAUGHMAN: Good evening. My name is Mike Baughman. I'm a consultant to White Pine County. And I am presenting -- going to present comments that were provided to the County by a Mr. Mark Henderson, who is one of the resident volunteer reviewers of the EIS. Mr. Henderson's background is in the area of cultural resources. And he is one of several residents who are on a review team. And he provided these comments to us, actually E-mailed them to us, this evening with hopes they would provide some input to the hearing. So we are going to just go ahead and read them in to the record. Seemingly, that was his desire.

THE FACILITATOR: Please do. Fine.

MR. BAUGHMAN: And they're broken in to two sections, the general comments and specific comments. And I'll begin with the general comments.

Number one. Traditional cultural properties and cultural tourism. Impacts on American Indian communities are specified in more detail than other communities. There seems to be some bias that the only traditional cultural properties considered are those related to

1 cont. American Indian communities.

This is a misconception. Traditional cultural properties could also be related to pioneer settlements. For example, the original wagon train route used to settle Preston and Lund, or the Keystone and Hiline steam railroad corridor for the Northern Nevada Railroad. There is no assessment of the impacts of the proposed action on cultural tourism. This is a particularly important issue for White Pine County and other areas like Death Valley National Park where the economy is currently being rearranged from traditional extractive industries to tourism.

2... Two. Increased motor vehicle traffic. It is very difficult to evaluate impact on communities in the major zone of influence. I was unable to find any quantification of how many

2

2 cont.

actual legal-weight truck haul loads could be expected through Ely on U.S. 93 or State Route 318 scenario. The table on J-7 might indicate around 1,500 shipments from the Idaho National Engineering and Environmental Laboratory, 800 shipments from Hanford that might use a route through Ely as an alternate to interstate routes spread over a 20-year period. And these are shown on Table J-4.

It would be useful if there was analysis of some key points like Ely, apparently a relatively low-impact area with about 350 shipments of high-level radioactive waste a year, Table J-4, as opposed to, perhaps, high-impact Mesquite with, perhaps, an average of 1,700 shipments a year of commercial spent nuclear fuel. Figure J-10.

What are the impacts of this increase of traffic on the tourism trade? Particularly, when would shipments be made? Would there be an effort for shipments to occur during low-season traffic times? Has the changing demographics of Snow Birds been taken into account? What are the attitudes of Snow Birds to this additional traffic? Would shipments be scheduled to be

23 continued on page 4

23 continued

during low-traffic or high-traffic hours? Being moved at night or during the day?

Could corridors be designated as heavy-haul nuclear freight as a mitigating measure in order to alleviate concerns of motorists who wanted to avoid worse case scenario nuclear accidents? Wouldn't such a measure also reduce the possibility of exposure if there was a highway accident causing a leak?

24

3...

Three. Costs of cultural resources treatment. The prevailing impression is that significant archeological properties can be bought. Yet the cost of conducting data recovery operations are never specified. It appears that a majority of the significant archeological sites at the Yucca Mountain site have already been treated through data recovery. What have been the costs of this treatment? How do these costs at the sites at Yucca Mountain compare to data recovery costs at locations where highway or rail improvements may be made?

The kind of sites at Yucca Mountain may be less expensive to conduct data recovery operations than sites in valley floors or riparian zones that tend to be more complex and

3 cont.

therefore expensive to conduct data recovery operations. What kind of sites might be of such high value that data recovery should not be undertaken, but rather sites should be avoided by direct impacts and preserved in place?

This is a particularly relevant question for a situation like the Five Finger Ridge along I-70 between Richfield and Cove Fort in Utah. This site should have, and could have, been avoided if there had not been a mentality at work in the early 1980s that all archeological sites could be mitigated by data recovery. Is there any consideration of off-site mitigation along potential tourist corridors that would be alternative routes to avoid heavy-haul nuclear waste shipments?

4...

Four. Programmatic agreement for historic preservation. There is reference to a DOE Advisory Council on historic preservation agreement in each section on cultural resources. This agreement is now several years old. There are new standards for these agreements that emphasize public involvement and alternatives to data recovery as mitigation measures.

With this agreement -- I'm sorry.

4 cont. Will this agreement be modified to deal with the very different issues in treating cultural properties on linear corridors rather than in large area blocks? Will there be more emphasis on public involvement and public availability of popular and research reports emanating from mitigation?

5 Five. Risk assessment of the waste isolation pilot project. Can the experience of transport of low-level nuclear waste and impacts be used as a model for the Yucca Mountain repository? Can this be used to assess community impacts and transport accident rates?

And then Mr. Henderson lists several specific comments, which I'll go through here.

6 Page 1-6. 1.2.2. The text reads, Cladding. If it is not damaged or corroded, has the capability to isolate the spent nuclear fuel and delay the release of radionuclides to the environment for long periods. What is a "long period"? This is not quantified.

7... Page 1-6. 1.2.2.2. How was the spent nuclear fuel from the -- and in quotes -- 55 university and government-owned test reactors -- end of quotes -- transported to Hanford and

7 cont. Savannah River? What was the accident record?

8 Page 1-6. 1.2.2.2. In quotes, Additional small quantities remain at other locations, end of quotes. What is going to be done with these quantities? Will they be dealt with under this planned action?

9 Page 1-7. 1.2.4. Will the plutonium at the Pantex Plant, Rocky Flats Environmental Technology Site, Los Alamos and Lawrence Livermore National Laboratories be treated by this proposed action? If so, why are these not included in the maps, transportation routes, and analysis?

10 Page 1-11. 1.3.2.2. The weight of inventory of radioactive heavy metal is specified as 70,000 MTHM. But how does this convert to volume?

11... Page 1-12. Section 1.3.2.2. Do we assume that the 105,000 metric tons of heavy metal of waste from operating nuclear power plants through the year 2046 would equal 210,000 canisters of waste? Why is this not specified when the 2,500 metric tons of heavy metal of DOE spent nuclear fuel translates to 22,280 canisters, far more than the .5 metric tons of

11 cont. heavy metal proposed per canister?

12 Page 1-14. 1.4.1. Is DOE considering withdrawal of rail and highway transport routes that would be constructed exclusively for transport of canisters to Yucca Mountain?

13 Page 1-7. 1.4.2. The text reads, If authorized, would be a facility for permanent disposal of 70,000 metric tons of heavy metal of spent nuclear fuel, end of quotes. What about the 105,000 metric tons of heavy metal mentioned earlier? Is this action going to cause an expansion of the Yucca Mountain repository? Is this EIS to cover 70,000 and 105,000 additional metric tons of additional heavy metal, or just 70,000? Would approval of the 70,000 metric tons of heavy metal repository result in a reasonably foreseeable 105,000 metric ton addition? What are the consequences of this on transport and expansion of the facility and associated risks?

14... Page 1-20. Section 1.4.3.3. In quotes -- out of the text in quotes. The views and comments of the governor and legislature of any state and of the governing bodies of affected Native American Tribes, end of quotes. Federal regulations nowhere define "Native American

14 cont. Tribes." Federal regulations deal with recognized American Indian Tribes.

15 Page 1-22. Section 1.5.1. How will American Indian Tribes affected by long distance haul routes be consulted? Other tribes and non-Indian communities outside of the Yucca Mountain area, itself, should be consulted and may, in fact, be more impacted by transport than tribes with traditional -- with traditional ties in the Yucca Mountain area, itself.

16... Page 3-70. Section 3.1.6.2.2. The text reads, According to Native American people, the Yucca Mountain area is part of the holy lands of the Western Shoshone, Southern Paiute, and Owens Valley Paiute and Shoshone peoples. Native Americans generally do not concur with the conclusions of archeological investigators that their ancestors were highly mobile groups of aboriginal hunter-gatherers who occupied the Yucca Mountain area before Euroamericans began using the area for prospecting, surveying, and ranching, end of quotes. That was a quote out of the EIS.

This statement is unsubstantiated, unquantified, and unsupportable. What are holy

16 cont.

lands? How is it determined that Native Americans generally do not concur? What was the sampling design to determine this opinion? What Native Americans were interviewed or questioned? How were they determined to be representative? What was the specific questions asked to determine that there is a disagreement with archeological scholars.

These statements are outrageous and unsupportable stereotyping based on a sample of unknown representatives.

17

Page 3-11 -- I'm sorry, 3-112. Section 3.2.2.1.5. Analysis of a corridor limited to only .2 kilometers is incredibly restrictive for an overview assessment. This results in small sample sizes and an inability to reasonably characterize the affected environment. A wider corridor or sample design based on topographical, geomorhpic, and vegetative strata for the corridors would be much more in keeping with current professional practice to predict impacts to cultural resources.

18...

Page 6-11. Section 6.1.2.5. The archeological impacts on the five rail corridors are essentially unassessed and unquantified.

18 cont. There is no information provided that would allow assessments to be made of the option to avoid outstanding significant sites rather than to damage, destroy, or treat through data recovery. Sites should be characterized by type and the constraints provided for avoidance, rather than damage or data recovery by rail corridor construction.

19 Page 7-48. Section 7.3.2.5. This is inadequate treatment of the known cultural situation where expansion of facilities would be undertaken. If there are existing DOE and commercial facilities, what is known of the cultural resources in these areas, and what would be the specific impacts on known cultural resources? If Scenario 1 is expansion at Yucca Mountain, what would the site-specific surface ground disturbing impacts be?

20... Page 9-9. Section 9.2.4. The text reads, The programmatic agreement between the United States Department of Energy and the Advisory Council on historic preservation for the nuclear waste deep geologic repository, Yucca Mountain, Nevada, end of quotes. Please provide this document and the research design and data

20 cont. recovery plan for the Yucca Mountain Project, dash, permanent copy in the appendices. Do these documents adequately treat the rail and highway heavy-haul routes and the Scenario 1 and 2 options discussed in the EIS? Will a new programmatic agreement be developed to deal with these dated 1998 and 1990 documents?

21 Page 9-22. Section 9.3.5. Here the text reads, Conduct preconstruction surveys to ensure that work would not affect important archeological resources and to determine the reclamation potential of sites, end of quotes.

This statement should emphasize avoidance of significant sites. What is the reclamation potential of archeological sites?

22 Page 11-14. Executive order 11593 is now incorporated since 1986 as Section 110 of the National Historic Preservation Act as an agency responsibility. References to executive order 11593 are no longer appropriate, as Section 110 of the National Historic Preservation Act clarifies and mandates procedures for conformance with law.

And with that, I would end the comments that were submitted to us by Mark

Henderson. Thank you.

MS. BOOTH: Thank you.

THE FACILITATOR: And thank Mr. Henderson, also. Do you have an extra copy of that, by chance?

MR. BAUGHMAN: I'm sure we can get one.